

DOCKET NO.: UPAP-0497/H-1257



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Weiner, D.B. et al.,

Serial No.: 10/076,900

Group Art Unit: Not Yet Assigned

Filing Date: February 14, 2002

Examiner: Not Yet Assigned

For: METHODS FO INDUCING MUCOSAL IMMUNITY

DATE OF DEPOSIT: 3/14/02

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

TYPED NAME: Mark DeLuca
REGISTRATION NO.: 33,229

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

- ☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first office action after the filing of request for continued examination under §1.114, no additional fee is required.

- ☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐the first or ☐second After Final Submission, therefore:
- ☐ Certification in Accordance with §1.97(e) is attached; or
- ☐ The fee of \$180.00 as set forth in §1.17(p) is attached.
- ☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or before an action that otherwise closes prosecution in the application, therefore:
- ☐ Certification in Accordance with §1.97(e) is attached; or
- ☐ The fee of \$180.00 as set forth in §1.17(p) is attached.
- ☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with §1.97(e); and the submission fee of \$180.00 as set forth in §1.17(p).
- ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:
- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☒ In accordance with §1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. §120 have been made in the instant application:


☒ Copies of references **AA thru CR** listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. **08/357,398**, filed **December 16, 1994**.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
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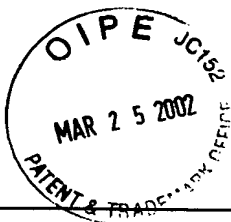
There are no listed references which are not in the English language.

Date: 3/14/02



Mark DeLuca
Registration No. 33,229

WOODCOCK WASHBURN LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439



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Form PTO-1449 Modified List of Patents and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office	Docket No. UPAP-0497/H-1257	Serial No. 10/076,900
Applicant Weiner et al.		
Filing Date February 14, 2002		Group Not yet assigned

U. S. PATENT DOCUMENTS

Examiner	Document	Date	Name	Class	Subclass
	AA	4,224,404	09/23/80	Viza et al.	435 2
	AB	4,394,448	7/19/83	Szoka, Jr. et al.	435 172
	AC	4,806,463	02/21/89	Goodchild et al.	435 5
	AD	4,945,050	07/31/90	Sanford et al.	435 172.1
	AE	5,017,487	05/21/91	Stunnenberg et al.	435 172.3
	AF	5,036,006	07/30/91	Sanford et al.	435 170.1
	AG	5,264,618	11/23/93	Felgner, et al.	560 224
	AH	5,593,972	01/14/97	Weiner, et al.	514 44
	AI	5,589,466	12/96	Felgner, et al.	514 44
	AJ	6,214,804	04/01	Felgner, et al.	514 44
	AK	5,679,647	10/21/97	Carson, et al.	514 44
	AL	5,185,254	02/09/93	Linnenbach	435 172.3

FOREIGN PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Country	Translation	YES	NO
	AM	WO 90/11092	10/4/90	PCT/US90/01515	XX	
	AN	WO 91/12329	08/22/91	PCT/US91/00941	XX	
	AO	WO 93/17706	09/16/93	PCT/US93/02338	XX	
	AP	WO 93/23552	11/25/93	PCT/US93/04831	XX	
	AQ	WO 94/16737	8/4/94	PCT/US94/00899	XX	

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Acsadi et al., "Human Dystrophin Expression in Mdx Mice After Intramuscular Injection of DNA Constructs", <i>Nature</i> 352: 815-818 (1991)
AS	Anderson, W. French, "Prospects for Human Gene Therapy," <i>Science</i> 226:401-409, 1984.
AT	Benoit et al., "Destruction and regeneration of skeletal muscle after treatment with a local anaesthetic, bupivacaine (Marcaine®)," <i>J. Anat.</i> 107:547-556, 1970
AU	Benvenisty et al., "Direct introduction of genes into rats and expression of the genes," <i>Proc. Natl. Acad. Sci. USA</i> , 83:9551-9555, 1986
AV	Brandsma et al., "Use of a rapid, efficient inoculation method to induce papillomas by cottontail rabbit papillomavirus DNA shows that the E7 gene is required," <i>Proc. Natl. Acad. Sci. USA</i> , 88:4816-4820, 1991
AW	Brigham et al., "Rapid Communication: In Vivo Transfection of Murine Lungs with a Functioning Prokaryotic Gene Using A Liposome Vehicle," <i>American Journal of the Medical Sciences</i> , 298:278-281, 1989
AX	Butini, L. et al., "Comparative Analysis of HIV-Specific CTL Activity in Lymphoid Tissue and Peripheral Blood" <i>J. of Cell Biochem. Suppl</i> 18B: 147 (Abstract J306 (1994)
AY	Dubensky et al., "Direct transfection of viral and plasmid DNA into the liver of spleen of mice," <i>Proc. Natl. Acad. Sci. USA</i> , 81:7529-7533, 1984

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
	AZ	Felgner and Rhodes, "Gene Therapeutics" <i>Nature</i> 349: 351-352 (1991)	
	BA	Fleckenstein et al., "Tumour induction with DNA of oncogenic primate herpesviruses," <i>Nature</i> , 274:57-59, 1978	
	BB	Friedmann et al., "Progress Toward Human Gene Therapy," <i>Science</i> , 244:1275-1281, 1989	
	BC	Hall-Craggs, E.C.B., "Rapid Degeneration and Regeneration of a Whole Skeletal Muscle Following Treatment with Bupivacain (Marcain)," <i>Experimental Neurology</i> , 43:349-358, 1974	
	BD	Haynes, B.F., "Scientific and Social Issues of Human Immunodeficiency Virus Vaccine Development" <i>Science</i> 260: 1279-1286 (1993)	
	BE	Howley, Peter M., "Papillomavirinae and Their Replication," <i>Virology</i> , Chapter 58:1625-1650, 1990	
	BF	Israel et al., "Biological Activity of Polyoma Viral DNA in Mice and Hamsters," <i>J. of Virology</i> , 29:990-996, 1979	
	BG	Kaneda et al., "Increased Expression of DNA Cointroduced with Nuclear Protein in Adult Rat Liver," <i>Science</i> , 243:375-378, 1989	

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	BH	Klein et al., "Transformation of Microbes, Plants and Animals by Particle Bombardment," <i>Bio/Technology</i> , 10:286-291, 1992
	BI	Knuth, A. et al., "Cellular and Humoral Immune Responses Against Cancer: Implications for Cancer Vaccines" <i>Current Opinion in Immunology</i> 3: 659-664 (1991)
	BJ	Ledley, F.D., "Clinical Considerations in the Design of Protocols for Somatic Gene Therapy" <i>Human Gene Therapy</i> 2: 77-83 (1991)
	BK	Mayne et al., "Tumour Induction by Simian Adenovirus SA7 DNA Fragments," <i>Nature New Biology</i> , 232:182-183, 1971
	BL	McCutchan et al., "Enhancement of the Infectivity of Simian Virus 40 Deoxyribonucleic Acid with Diethylaminoethyl-Dextran," <i>J. of the Nat. Cancer Institute</i> , 41:351-356, 1968
	BM	Nabel et al., "Site-Specific Gene Expression in Vivo by Direct Gene Transfer into the Arterial Wall," <i>Science</i> , 249:1285-1288, 1990
	BN	Nicolau et al., "In vivo expression of rat insulin after intravenous administration of the liposome-entrapped gene for rat insulin I," <i>Proc. Natl. Acad. Sci. USA</i> , 80:1068-1072, 1983
	BO	Orth et al., "Infectious and Oncogenic Effect of DNA Extracted from Cells Infected with Polyoma Virus," <i>P.S.E.B.M.</i> , 115:1090-1095, 1964

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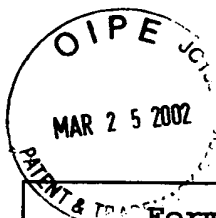
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U.S. Department of Commerce Patent and Trademark Office			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
	BP	Sol et al., "Oncogenicity of SV40 DNA in the Syrian Hamster," <i>J. gen. Vir.</i> 37:635-638, 1977	
	BQ	Tang et al., "Genetic immunization is a simple method for eliciting an immune response," <i>Nature</i> 356:152-154, 1992	
	BR	Thomason et al., "Stable incorporation of a bacterial gene into adult rat skeletal muscle in vivo," <i>Cell Physiol.</i> , 27:C578-581, 1990	
	BS	Torpey, III, D. et al., "Effects of Adoptive Immunotherapy with Autologous CD8 ⁺ T Lymphocytes on Immunologic Parameters: Lymphocyte Subsets and Cytotoxic Activity" <i>Clinical Immunology and Immunopathology</i> 68(3): 263-272 (1993)	
	BT	Ulmer et al., "Heterologous Protection Against Influenza by Injection of DNA Encoding a Viral Protein," <i>Science</i> , 259:1745-1749, 1993	
	BU	Vitadello et al., "Gene Transfer in Regenerating Muscle," <i>J. of Cellular Biochemistry</i> , Suppl. 17E:252, March 29-April 25, 1993	
	BV	Wang, B. et al., "Gene Innoculation Generates Immune Responses Against Human Immunodeficiency Virus Type 1" <i>Proc. Natl. Acad. Sci. USA</i> 90: 4156-4160 (1993)	
	BW	Wells, D.J., "Improved Gene Transfer by Direct Plasmid Injection Associated with Regeneration in Mouse Skeletal Muscle" <i>FEBS Letts</i> 332(1,2) 179-182 (1993)	

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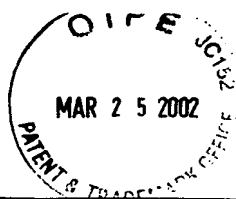


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U.S. Department of Commerce Patent and Trademark Office			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
	BX	Will et al., "Cloned HBV DNA causes hepatitis in chimpanzees," <i>Nature</i> , 299:740-742, 1982	
	BY	Wolff et al., "Direct Gene Transfer into Mouse Muscle in Vivo" <i>Science</i> 247: 1465-1468 (1990)	
	BZ	Wolff et al., "Conditions Affecting Direct Gene Transfer Into Rodent Muscle In Vivo" <i>BioTechniques</i> 11: 474-485 (1991)	
	CA	Wu et al., "Receptor-mediated Gene Delivery and expression in Vivo," <i>J. of Biological Chemistry</i> , 263:14621-14624, 1988	
	CB	Yang et al., "In vivo and in vitro gene transfer to mammalian somatic cells by particle bombardment," <i>Proc. Natl. Acad. Sci. USA</i> , 87:9568-9572, 1990	
	CC	Zelenin et al., "High-velocity mechanical DNA transfer of the chloramphenicolacetyl transferase gene into rodent liver, kidney and mammary gland cells in organ explants and in vivo," <i>FEBS Letts.</i> , 280:94-96, 1991	
	CD	Fynan, E.F. et al., "Use of DNA encoding influenza Hemagglutinin as an avian influenza vaccine", <i>DNA Cell Biol.</i> , 1993, 12(9), 785-789	
	CE	Staats, H.F. et al., "Mucosal immunity to infection with implications for vaccine development", <i>Curr. Opin. Immunol.</i> , 1994, 6, 572-583	

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U. S. PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Name	Class	Subclass

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Translation YES NO	
	CP	WO 94/17792	08/18/94	PCT	X	
	CQ	WO 94/23738	10/27/94	PCT	X	
	CR	WO 96/14876	05/23/96	PCT	X	

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